

(DRAFT) MINUTES
UTAH STATE FIRE PREVENTION BOARD
MARCH 14, 2006

BOARD MEMBERS PRESENT

R. Lee Ellertson	Board Chair
Ted Black	Board Vice Chair
D. Blair Camp	Board Member
Steven R. Hamblin	Board Member
Robert B. Stoker	Board Member
Tony J. Dearden	Board Member
Gregory L. Allen	Board Member
Randal C. Haslam	Board Member

BOARD MEMBERS ABSENT

A. Joel Frandsen	Board Member
Robert D. Fazzio	Board Member

STAFF PRESENT

Cheryl L. Luke	Assistant Attorney General
Ron L. Morris	State Fire Marshal
Brent R. Halladay	State Fire Marshal's Office
Margo Densley	State Fire Marshal's Office
Troy Mills	State Fire Marshal's Office
Stan Robins	State Fire Marshal's Office
Mike Young	State Fire Marshal's Office

Board meeting began at 8:30 AM with Chair Lee Ellertson conducting.

Item #1 on the agenda was Board meeting called to order and welcome to all by Board Chair Lee Ellertson. Chairman Ellertson called the Board meeting to order and welcomed everyone to the meeting.

Item #2 on the agenda was the approval of the January 10, 2006 Board meeting minutes. Chairman Ellertson entertained a motion for the approval of the minutes. Ted Black made the motion that they be approved as written, Tony Dearden, seconded it and all Board members voted in favor.

Item #3 on the agenda was presentation to the Board by State Fire Marshal Ron L. Morris of

the budget and approved legislation completed at the 2006 Legislature. Fire Marshal Morris announced that he felt that the Fire Marshal's Office had a very productive and successful session with the Legislature this year. Fire Marshal Morris reported information on a few of the Bills that were discussed including the approval of the half time secretary position, a part time Deputy Fire Marshal to help with school inspections, and also funding for the rural Deputy State Fire Marshal program. Fire Marshal Morris also discussed House Bill 9, which the fire service was concerned with regarding the presumptive health care bill which has been proposed for a couple of years, and it initially looked like it was going to go through well and would cover firefighters and the SWAT team members for law enforcement. Law enforcement then decided that they were not going to support it if it did not cover all police officers. There were also some problems that it may be constitutionally illegal if all the police officers were not covered. If that would have been done, it would have made the fiscal note on that bill way too big to push through, so a compromise that there will be a study done over the next two years, and that was funded at \$250,000 per year, which may be the best thing that could have happened. The League of Cities and Towns have already agreed that whatever the study comes back as, they will support and back it so it looks like the bad news is it is two years off, and the good news is when it does come back it probably has power this time to get through to help those individuals that have been afflicted with some horrible diseases. Fire Marshal Morris also reported on the other bill of interest, House Bill 266, which was the fire alarm certification requirements which has been discussed with this Board at great length, and that bill was passed through unanimously with Representative Murray doing a great job for the fire service. Fire Marshal Morris also discussed other bills that were presented to the Legislature and there was discussion regarding them.

Chairman Ellertson asked the question regarding House Bill 4 regarding the pay increase of three and a half percent for state employees, and he was wondering what kind of impact this would have on the Fire & Rescue Academy. Fire Marshal Morris stated that this would be a problem for the Academy and would end up costing them around \$40,000, which the academy hopes they can make this up this next year in their contract.

Item #4 on the agenda was presentation to the Board by Chief Deputy Brent Halladay on the Cloud vs Washington City appeals hearing. Chief Deputy Halladay turned the time over to our legal counsel Assistant Attorney General Cheryl Luke to address the Board. Mrs. Luke stated that Mr. Heideman has appealed the decision of the Board to the District Court, which will be a De Novo appeal and they have named the Fire Prevention Board as the responsive party in the case, which is not correct. Cheryl stated that she will be filing a Motion to Dismiss the Fire Prevention Board as a party, as the Fire Prevention Board sat as the Judge and you do not make a Judge come to court. Cheryl also stated that the case is still Washington City vs Cloud and it will go back to District Court as a De Novo appeal and unfortunately this means that all the previous work on this case cannot be used or referenced.

Item #5 on the agenda was presentation to the Board by Chief Deputy Brent Halladay on

the adoption of NFPA 101, Life Safety Code, 2006 Edition. Chief Deputy Halladay introduced Mr. David Eagar who represents the Utah Department of Health who he had asked to come to the Board meeting. Brent stated that there are a number of people who are enforcing in a number of these different facilities such as hospitals and nursing homes that we specifically use the federal code, which is the NFPA 101 code. Brent stated that the Board only uses part of NFPA 101, and the Board adopted this in the seventies. Only chapters 18, 19, 20, 21, 22 & 23 are used. It is specifically used for new and existing health care occupancies, new and existing ambulatory health care occupancies and new and existing detention and correctional occupancies. Brent then went through the changes in the new NFPA 101, 2006 edition and these were discussed among the Board members and audience. Mr. David Eagar from the Department of Health reported that the Department of Health conducts life safety code inspections for certified health care facilities, nursing homes, surgical centers, and hospitals for the Federal Government under the authority of Title 18 and Title 19 of the Medicare and Medicaid Acts. The code that the government has them use is the 2000 edition of the Life Safety Code, so they are quite a bit behind the 2006 edition, and before the government had them go to the 2000 code, they were still on the 1985. For the Federal Government to make a jump to a new code it actually has to go through Congress, so it is an extremely slow process. Lately the Federal Government has asked them to have the facilities add sprinklers since the bad nursing home fires back east if they want to continue to participate in Medicare and Medicaid. Mr. Eagar stated that the Health Department does appreciate the relationship with the Board and the State Fire Marshal's Office; it is a great resource of help. Chief Deputy Halladay stated that since the Legislature has given the Fire Marshal's Office a lot more than they can do, for many years some of the people at the Health Department that are Special Deputy State Fire Marshal's are certified Inspector I's and they are doing health safety surveys, and fire inspections for the Fire Marshal's Office. Chief Deputy Halladay also wanted Mr. Eagar to take back to his office the sincere appreciation for what the State Health Department has done for our office.

Board Vice Chair Ted Black asked the question of why the Fire Prevention Board has not pursued one of our National Representatives from the State of Utah to move forth on the current code adoption nationally? Mr. Black suggested that we could get in touch with one of the Utah Senators to carry a bill to adopt the 2006 code, or the 2000 code will stay in for fifteen years. For example, it is now okay to use the alcohol based hand rubs but they are not in the codebook that is presently being used. Chairman Ellertson asked if this would have a major impact on the state people to have to conform to this new code and Chief Deputy Halladay stated that several of these changes are already in effect and it will be very minimal on the people in the State of Utah. Also, Mr. Black stated that often times code adoption is done and codes are brought in to play because of new technology and a better understanding of what we are doing, concerning the alcohol rub is one of those factors. Mr. Black stated he actually did some research on this a few years ago because they were running into problems as the law said one thing but the need was something else. Mr. Black personally thinks the Board should stay as current as possible unless there is something really blaring, which does happen occasionally in the

code. There was further discussion among Board members regarding adopting the new NFPA 101, 2006 edition. Scott Spencer made a motion to adopt the 2006 Life Safety Code, Randal Haslam seconded it and all Board members voted in favor.

Item #6 on the agenda was presentation to the Board by Chief Deputy Brent Halladay to amend R710-4-3.12 with regard to Time Out and Seclusion Rooms. Chief Deputy Halladay distributed copies of the rule R710-4, Buildings Under the Jurisdiction of the Fire Prevention Board and also a copy of Dr. Karl Wilson's letter from the Utah State office of Education. Brent went over the proposed changes with the Board members, the first being R710-4-1.1, and the 2003 edition changed to the 2006 edition of NFPA Life Safety Code 101. Also proposed was the change in 3.3.1 allowing the State of Utah secondary schools instead of having a fire drill once a month, they are now allowed to have four fire drills throughout the year. For many years it was written to have the drills during the first two weeks of the school year and now in the International Fire Code it states that it shall be within ten days of the beginning of classes. Another proposed change in 3.12.3, Time Out and Seclusion Rooms, the doors may not be fitted with a lock unless it is a locking mechanism that releases automatically if not physically held in the locked position by an individual on the outside of the door. It is also required that this room be under constant supervision and there also must be a visual panel so that the person who is refraining this child in this room can look in to make sure this child is not causing physical harm to him or herself. There is already a rule R539-4-4-11 in the Department of Human Services that reads, "Doors to time out rooms may be shut by provider staff but not locked at any time". This information was supported and agreed upon by Dr. Karl Wilson, Utah State Office of Education, Robert Bins, State Risk Management and Steve Hermansen, Davis School District. Justin Mott from Davis School District asked if on the part of rule 3.12.1, if this could be tied back to a NFPA 72 definition so there would not be any confusion and Deputy Chief Halladay suggested that the word fully be dropped and add occupancies protected as there are several older schools that do not have what the newer schools have, and then let the inspectors deal with it in the future. Randal Haslam made a motion for an amendment to drop the word fully from 3.12.1 from the rule R710-4 and Tony Dearden seconded it and all Board members voted in favor. Randal Haslam then made a motion to adopt rule R710-4 with the proposed changes, Steve Hamblin seconded it and all members voted in favor.

Item #7 on the agenda was presentation to the Board by Chief Deputy Brent Halladay on House Bill 116, Local Fire Officials Authority, and its effect on the fire service statewide. Deputy Chief Halladay distributed copies of H.B.116 to the Board members and stated that, as the State Fire Marshal had mentioned previously, this bill came forth from the legislative session and is an item that does not affect the State Fire Marshal's Office but being that the State Fire Marshal is the State fire official, the office has been involved in it. What Representative David Ure and this bill basically says is that the fire service and the State Fire Marshal's Office could not use an alternative means and methods for a private residence unless it was specifically mandated by ordinance by the elected officials. Chief Deputy Halladay and Fire Marshal Scott Adams met afterward with Representative Ure and asked him if he would give them the opportunity until the next legislative session to see

if the Board wished to deal with this matter and set up some sort of a statewide assessment factor that would then be adopted under these conditions. Fire Marshal Scott Adams stated that when he and Chief Deputy Halladay testified in front of the committee they discussed what the fire service is currently doing now which has been meeting with the planning commissions and trying to get these requirements into developmental standards and the committee said that yes, that is the kind of process they would like to see happening. Scott stated that he and Brent were happy to work with Representative Ure to see if they could come to an equitable solution and the fire service could take this and study it to be prepared for next year's legislature as he and Brent are sure this will come up again. Chairman Ellertson asked if maybe in one of the future Fire Prevention Board meetings, this issue would probably be addressed and Brent stated that this would be the Board's decision to take this matter on as an item of interest and try to come up with something that sets an assessment expectation that would be passed on a statewide basis. This subject to have people being required to put further fire appliances has been bigger and escalating over the last several years and the question is to see if the Board wishes to insert itself now and establish some reasonable expectation of what is okay and what is not okay with regard to those people who are now moving out of communities and back out into the wide open spaces. Chairman Ellertson asked the audience if any of them had any opinions on this and some of the people from the audience and Board commented how his matter effects their different areas and they were: Ernie Giles, Wasatch County Fire Chief; Deputy Fire Marshal Boyd Johnson from the Unified Fire Authority; Ted Black, Board member from Weber County, Chief Scott Spencer, Board member from Payson, and Phil Roberts, Murray City Fire Marshal. Chief Halladay also stated that when the Fire Code was passed statewide in 1993 being that the State of Utah was the second dry state in the Nation by accumulation of water, the modification, development or reduction of water and fire flow was given back to the local officials. This is strictly a local issue and because there is such diversity in the State of Utah where there is water and where there is not water or whether there is even a possibility of water. Spencer made a motion to refer this item to the Fire Marshal's Code Committee and have them study it and make recommendations on solving it. Tony Dearden seconded it and all Board members voted in favor. Fire Marshal Scott Adams suggested that the Code Committee could discuss it at their Fire Marshal's meeting today and come back with suggestions at the July Fire Prevention Board meeting.

Item #8 on the agenda was Board of Appeals Hearing of the February 24, 2006 Suspension, and the March 17, 2006 Revocation of the Certificate of Registration of Mr. Ron Ball, Northern Fire Protection, to continue to service Automatic Fire Suppression Hood Systems. Assistant Attorney General Cheryl Luke stated that it is the option of the Board members to close this meeting and have a closed hearing since licensing and the competency of an individual will be discussed. Chairman Ellertson and Chief Deputy Halladay decided that it would be best to continue with the rest of the items for today's meeting and then go into a closed hearing for Mr. Ron Ball's appeal.

Item #9 on the agenda was Old Business. Chief Deputy Halladay had a few items under Old Business and one of the items was Deputy Fire Marshal Troy Mills is working on the

Utah Fire & Rescue contract for next year. Troy stated that he is now getting ready for the fire academy budget and contract, and it is necessary that the Board have a Budget Sub-Committee meeting to review the proposed budget for the fire academy. Troy also stated that with some of the changes that have occurred in the makeup of the Board, he was not sure if there was a full Budget Sub-Committee on line, as he wanted to have a date set for the budget to be reviewed. For the Board's information Chief Deputy Halladay read who the current Budget Sub-Committee members were: Commissioner Ellertson was the Chairman and he is now Board Chair, Chief Phil Whitney who is now retired from the Board, State Forester Joel Frandsen, Fire Protection Engineer Robert Fazzio, and listed as an alternate was Citizen at Large Mr. Randy Haslam. A few changes needed to be made to make this committee current. Mr. Randy Haslam, Mr. Robert Fazzio and State Forester Joel Frandsen will still be on this committee, and Mr. Ted Black will join the committee and serve as Chairman. Chief Deputy Halladay stated that this committee should meet in April, as the beginning document of the contract should be submitted at the May 9th meeting. Also, Brent suggested that an alternate be appointed in case one of the members were unable to attend the meeting and Mr. Greg Allen was appointed as alternate. Troy stated that there was a Standards & Training Council meeting on April 13th, and he would ask that the sub-committee meet possibly the following week and the academy should have their information together by that time. Chairman Ellertson suggested the week of April 17th and Troy will establish a date for the meeting.

Item #10 on the agenda was New Business. Chairman Halladay and Chief Ted Black discussed the date for the State Chief's meeting in Provo, probably April 18, 2006. Chief Black would let Brent know and he would send out the information.

Also Chief Deputy Halladay stated that he distributed copies of rules R710-9 and R710-10. These copies should go in everyone's Laws, Rules and Regulations books. Brent said that these are newly adopted rules that went into effect March 6, 2006. These also will be on the website for people to download if they wish.

Chief Deputy Halladay stated that the 2006 edition of the International Fire Code is out. Brent spoke with Sharon Smalley of the Building Codes Commission, and their intent is to adopt the 2006 International Building Code, Plumbing Code and Mechanical Code January 1, 2007. It is also the intent of the fire service as has been done before, to do the same thing on the same day with the fire code so they will be consistent. The Unified Code Analysis Council will start through the Building Code and the Fire Code on April 4, 2006, May 2, 2006 and June 6, 2006, all at 10:00 am, as the first three meetings at Sandy City Fire Department. Brent stated that by the September meeting they will have some presentations to the Board to begin the process of going through the changes that need to be made to adopt the new codes, finalize them in the November meeting and then work towards getting them to the Administrative Rules that go into effect on January 1, 2007.

Randy Haslam made a motion to close the Fire Prevention Board meeting to go into a closed Executive Session, Mr. Greg Allen seconded it and all Board members voted in

favor to go into the closed session. Chairman Ellertson signed the Closed Meeting Affidavit to keep on file to go into this hearing.

Item #11 on the agenda was next regularly scheduled Board meeting. The next meeting will be held on May 9, 2006, at 8:30 AM at the South Salt Lake City Council Chambers.